

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2811

58th Legislature
2004 Regular Session

Passed by the House March 8, 2004
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 3, 2004
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2811** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2811

AS AMENDED BY THE SENATE

Passed Legislature - 2004 Regular Session

State of Washington **58th Legislature** **2004 Regular Session**

By Representatives Jarrett, Upthegrove, Priest, Romero, Shabro, Moeller, Clibborn, Linville, Edwards, Tom, Sullivan and Woods

Read first time 01/21/2004. Referred to Committee on Local Government.

1 AN ACT Relating to establishing permit processing timelines and
2 reporting requirements for certain local governments subject to the
3 requirements of RCW 36.70A.215; amending RCW 36.70B.080; and creating
4 a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the timely
7 issuance of project permit decisions by local governments serves the
8 public interest. When these decisions, that are often responses to
9 land use and building permit applications, are issued according to
10 specific and locally established time periods and without unnecessary
11 or inappropriate delays, the public enjoys greater efficiency,
12 consistency, and predictability in the permitting process.

13 The legislature also finds that full access to relevant performance
14 data produced annually by local governments for each type of permit
15 application affords elected officials, project proponents, and the
16 general public the opportunity to review and compare the permit
17 application and processing performance of jurisdictions. Furthermore,
18 the legislature finds that the review and comparison of this data, and
19 the requirement to provide convenient and direct internet access to

1 germane and consistent reports, will likely foster improved methods for
2 processing applications, and issuing project permit decisions in a
3 timely manner.

4 The legislature, therefore, intends to continue and clarify the
5 requirements for certain jurisdictions to produce and provide access to
6 annual permitting performance reports.

7 **Sec. 2.** RCW 36.70B.080 and 2001 c 322 s 1 are each amended to read
8 as follows:

9 (1) Development regulations adopted pursuant to RCW 36.70A.040
10 (~~shall~~) must establish and implement time periods for local
11 government actions (~~on specific~~) for each type of project permit
12 application(~~s~~) and provide timely and predictable procedures to
13 determine whether a completed project permit application meets the
14 requirements of those development regulations. The time periods for
15 local government actions (~~on specific~~) for each type of complete
16 project permit application(~~s~~) or project type(~~s~~) should not exceed
17 one hundred twenty days, unless the local government makes written
18 findings that a specified amount of additional time is needed (~~for~~
19 ~~processing of~~) to process specific complete project permit
20 applications or project types.

21 (~~Such~~) The development regulations (~~shall~~) must, for each type
22 of permit application, specify the contents of a completed project
23 permit application necessary for the (~~application of such~~) complete
24 compliance with the time periods and procedures.

25 (2)(a) Counties subject to the requirements of RCW 36.70A.215 and
26 the cities within those counties that have populations of at least
27 twenty thousand (~~shall~~) must, for each type of permit application,
28 identify the (~~types~~) total number of project permit applications for
29 which decisions are issued according to the provisions of this chapter.
30 For each type of project permit application identified, these counties
31 and cities (~~shall~~) must establish and implement a deadline for
32 issuing a notice of final decision as required by subsection (1) of
33 this section and minimum requirements for applications to be deemed
34 complete under RCW 36.70B.070 as required by subsection (1) of this
35 section.

36 (b) Counties and cities subject to the requirements of this
37 subsection also (~~shall, through September 1, 2003,~~) must prepare (~~at~~

1 ~~least two~~) annual performance reports that include, at a minimum, the
2 following information for each type of project permit application
3 identified in accordance with the requirements of (a) of this
4 subsection:

5 (i) Total number of complete applications received during the year;

6 (ii) Number of complete applications received during the year for
7 which a notice of final decision was issued before the deadline
8 established under this subsection;

9 (iii) Number of applications received during the year for which a
10 notice of final decision was issued after the deadline established
11 under this subsection;

12 (iv) Number of applications received during the year for which an
13 extension of time was mutually agreed upon by the applicant and the
14 county or city; ~~((and))~~

15 (v) Variance of actual performance, excluding applications for
16 which mutually agreed time extensions have occurred, to the deadline
17 established under this subsection during the year; and

18 (vi) The mean processing time and the number standard deviation
19 from the mean.

20 ~~((b) Until July 1, 2003,))~~ (c) Counties and cities subject to the
21 requirements of this subsection ~~((shall))~~ must:

22 (i) Provide notice of and access to the annual performance reports
23 ~~((required by this subsection))~~ through the county's or city's web
24 site; and

25 (ii) Post electronic facsimiles of the annual performance reports
26 through the county's or city's web site. Postings on a county's or
27 city's web site indicating that the reports are available by contacting
28 the appropriate county or city department or official do not comply
29 with the requirements of this subsection.

30 If a county or city subject to the requirements of this subsection
31 does not maintain a web site, notice of the reports ~~((shall))~~ must be
32 given by reasonable methods, including but not limited to those methods
33 specified in RCW 36.70B.110(4).

34 (3) Nothing in this section prohibits a county or city from
35 extending a deadline for issuing a decision for a specific project
36 permit application for any reasonable period of time mutually agreed
37 upon by the applicant and the local government.

1 (4) The department of community, trade, and economic development
2 shall work with the counties and cities to review the potential
3 implementation costs of the requirements of subsection (2) of this
4 section. The department, in cooperation with the local governments,
5 shall prepare a report summarizing the projected costs, together with
6 recommendations for state funding assistance for implementation costs,
7 and provide the report to the governor and appropriate committees of
8 the senate and house of representatives by January 1, 2005.

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